

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
ULT-001

First named inventor: Donald C. Mann

Application No.: 09/426,793

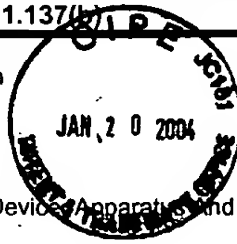
Filed: 10/23/1999

Title: "Data Storage Device Apparatus and Method For Using Same"

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-9306

Art Unit: 2876

Examiner: Frech, Karl D.



JAN 23 2004

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal Disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design application; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity – fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 C.F.R. § 1.27.
- ☐ Other than small entity – fee \$ 1300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above noted Office action in the form of
Response To Office Action mailed on 10/3/2002 (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

01/21/2004 MGBREM1 00000099 500574 09426793
01 FC:2453 665.00 DA

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The USPTO may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D))].

Date: January 16, 2004

Customer No. 022888

James E. Parsons
James E. Parsons, Reg. No. 34,691
Bever, Hoffman & Harms, LLP

Enclosures: ☒ Fee Payment ☐ Response To Missing Parts ☒ Reply ☐ Terminal Disclaimer Form
☐ Additional Sheets establishing unintentional delay ☒ Other: see Transmittal sheet enclosed

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☒ deposited with the US Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the U.S. Patent and Trademark Office at (703) 872-9306.

1/16/2004
Date

Signature: Rebecca A. Baumann
Rebecca A. Baumann